

Entered - 9-14-01- sb  
CL 01L0585 - ALEXIS HOLMES

CLAIM OF: **LINDA BURGESS**

**Through her attorney**  
Eric D. Miller  
Miller & Markel, L.L.P.  
23 Lenox Pointe  
Atlanta, Georgia 30324

**02-R -0133**

For damages alleged to have been sustained as a result of stepping on  
a metal bolt on the sidewalk on March 6, 2001 near Courtland Street.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL FEB 04 2002

## ADVERSE REPORT

COMM: Public Safety

DATE: JAN 29 2002

CHAIR: [Signature]

[Signature]

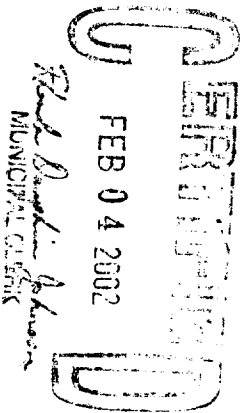
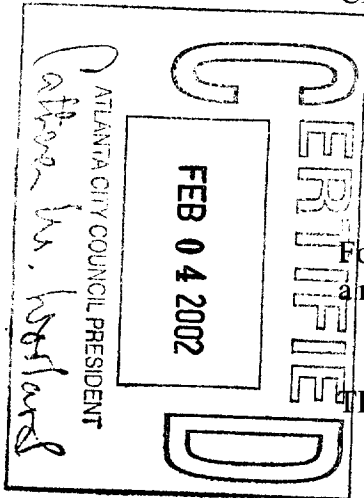
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## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 13, 2002

Eric D. Miller  
Attorney at Law  
Miller & Markle, L.L.P.  
23 Lenox Pointe  
Atlanta, GA 30324

02-R-0133

RE: Linda Burgess

Dear Attorney Miller:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0585

Date: 01/07/02

Claimant /Victim LINDA BURGESS  
BY: (Atty)(Ins.) Eric D. Miller  
Address: 23 Lenox Pointe, NE Atlanta, Georgia 30324  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ 4,000.00  
Date of Notice: 9/07/01 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)             
Date of Occurrence 3/6/01 Place: Near Courtland Street  
Department Public Works Division:             
Employee involved            Disciplinary Action:           

**NATURE OF CLAIM:** The claimant alleges that she sustained injuries when she stepped on a metal bolt that extended upward in the sidewalk. The claim as presented does not comply with the requirements of notice as set forth in § 36-33-5. The six (6) month statute of limitations expired prior to the receipt of the claim.

### INVESTIGATION:

Statements: City employee            Claimant            Other            Written X Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

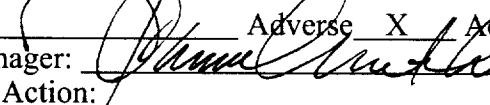
### BASIS OF RECOMMENDATION:

Function: Governmental            Ministerial X  
Improper Notice            More than Six Months X Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 01-14-02  
Committee Action:            Council Action

RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSE ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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